

1 imprisonment, every person sentenced to imprisonment under
2 this amendatory Act of 1977 or given a release date under
3 Section 3-3-2.1 of this Act shall serve the full term of a
4 determinate sentence less time credit for good behavior and
5 shall then be released under the mandatory supervised release
6 provisions of paragraph (d) of Section 5-8-1 of this Code.

7 (d) No person serving a term of natural life imprisonment
8 may be paroled or released except through executive clemency.

9 (e) Every person committed to the Juvenile Division under
10 Section 5-10 of the Juvenile Court Act or Section 5-750 of the
11 Juvenile Court Act of 1987 or Section 5-8-6 of this Code and
12 confined in the State correctional institutions or facilities
13 if such juvenile has not been tried as an adult shall be
14 eligible for parole without regard to the length of time the
15 person has been confined or whether the person has served any
16 minimum term imposed. However, if a juvenile has been tried as
17 an adult he shall only be eligible for parole or mandatory
18 supervised release as an adult under this Section.

19 (f) Medical parole.

20 (1) Legislative purpose. Medical parole is made
21 available in consideration of the fiscal costs of treating
22 seriously ill prisoners within facilities maintained by
23 the Department of Corrections.

24 (2) Application for benefits by persons on medical
25 parole.

26 (A) If a person has been released on medical parole
27 pursuant to paragraph (3) of this subsection (f) and
28 applies for public assistance, including without
29 limitation medical assistance under any program funded
30 in whole or in part by the federal government, the
31 Department of Corrections shall forward the
32 application for assistance to the Department of Human
33 Services and advise the Prisoner Review Board of the
34 application.

1 (B) The Department of Human Services shall, within
2 60 days after receipt of a medical parole application
3 for assistance, determine the eligibility of the
4 person for any program for which he or she may be
5 eligible, including without limitation any medical
6 assistance which is funded in whole or in part by the
7 federal government.

8 (C) For a person who is released on medical parole
9 and who is in need of public assistance, including
10 without limitation medical assistance, the Department
11 of Human Services shall be responsible for the
12 administrative costs of the initial and any subsequent
13 eligibility determination and for the costs of any
14 public assistance, including medical assistance,
15 following a person's release on medical parole for as
16 long as the person is eligible for such assistance.

17 (3) Medical parole. A prisoner committed to the custody
18 of the Illinois Department of Corrections, except those
19 prisoners subject to subsection (d), may be eligible for
20 medical parole under the following circumstances:

21 (A) If the Department of Corrections makes a
22 recommendation to, or the prisoner makes application
23 to, the Prisoner Review Board with supporting medical
24 evidence which includes a statement from a licensed
25 physician certifying one of the following:

26 (i) The prisoner suffers from a serious
27 illness or serious disease which at the time of the
28 application or recommendation has permanently
29 physically incapacitated the prisoner.
30 "Permanently physically incapacitated" for this
31 purpose means suffering from a condition caused by
32 injury, disease, illness, old age, or other
33 similar causes which, to a reasonable degree of
34 medical certainty, permanently and irreversibly

1 physically incapacitates the prisoner to the
2 extent that the prisoner is confined to bed or a
3 wheelchair or otherwise unable to perform any
4 degree of personal care or other similar
5 activities of daily living without assistance; or

6 (ii) The prisoner is terminally ill and is
7 expected, with a reasonable degree of medical
8 certainty, to die within the following 6 months.
9 "Terminally ill" for this purpose means suffering
10 from a condition caused by injury (except
11 self-inflicted injury), disease, or illness which
12 to a reasonable degree of medical certainty will
13 result in death within 6 months.

14 (B) After reviewing the recommendation, the
15 Prisoner Review Board, acting through a panel of at
16 least 3 members, shall determine all of the following:

17 (i) whether the prisoner is eligible for
18 medical parole under subparagraph (A); and

19 (ii) whether the prisoner can be released
20 without detriment to the community or to the
21 prisoner.

22 (C) Prior to making a determination under
23 subparagraph (B), the Prisoner Review Board shall
24 consider the nature of the crime of which the prisoner
25 was convicted, the length of the sentence, the
26 likelihood that the prisoner will commit another
27 crime, and the impact on the victim of the crime should
28 the prisoner be released on medical parole. The
29 Prisoner Review Board and the Department of
30 Corrections shall provide a report from the Director
31 which shall contain, at a minimum: (i) a medical
32 assessment from the treating physician or physicians
33 regarding the prisoner's condition, including a
34 diagnosis and related medical history, a description

1 of the condition and treatment thereof, a prognosis,
2 including life expectancy, likelihood of recovery,
3 likelihood of improvement, rate of debilitation,
4 degree of incapacity, including an assessment of
5 whether the prisoner is ambulatory, capable of
6 engaging in any substantial physical activity, and the
7 extent of that activity; (ii) a statement by the
8 Department's Medical Director as to whether he or she
9 agrees that the prisoner is terminally ill or
10 permanently physically incapacitated within the
11 meaning of paragraph (3) of this subsection (f); (iii)
12 a recommendation as to the medical treatment which the
13 prisoner would require were he or she to be granted
14 medical parole; and (iv) any security concerns which
15 the Director believes should be considered by the
16 Prisoner Review Board, including the prisoner's
17 disciplinary history and conduct in prison. The
18 Prisoner Review Board may also request of the
19 Department of Corrections that a medical examination
20 of the prisoner be conducted.

21 (D) If the Prisoner Review Board orders the
22 prisoner released on medical parole, the Prisoner
23 Review Board, in cooperation with the Department of
24 Corrections, shall determine the level of appropriate
25 supervision in accordance with the provisions of this
26 Code, including but not limited to Sections 3-3-7,
27 3-14-2, and 5-8A-4. At a minimum, such supervision
28 shall include electronic monitoring or other similar
29 means for ensuring that the person's movement shall be
30 limited to what is necessary for obtaining appropriate
31 medical treatment. In addition to any other terms and
32 conditions of medical parole, supervision of a person
33 on medical parole shall consist of periodic medical
34 evaluations at intervals to be determined by the

1 Prisoner Review Board at the time of release. A person
2 on medical parole who violates his or her conditions of
3 parole is subject to the same disciplinary procedures
4 and penalties as other non-medical parolees, up to and
5 including re-incarceration for the remainder of his or
6 her sentence.

7 (E) After a person is released on medical parole,
8 statutory or other good time shall not reduce the
9 remainder of the person's sentence while the person is
10 on medical parole. The term of parole for a person on
11 medical parole shall equal the remainder of the
12 sentence of the person plus any applicable term of
13 parole or mandatory supervised release.

14 (F) If the Prisoner Review Board finds a change in
15 circumstances or discovers new information concerning
16 a person who has been released on medical parole, the
17 Prisoner Review Board may rescind the medical parole or
18 revise the previously granted medical parole release
19 date.

20 (G) The Prisoner Review Board shall issue its
21 decision to release a prisoner on medical parole or
22 deny a prisoner's medical parole or to rescind the
23 medical parole or revise the medical parole release
24 date of the prisoner in writing and provide a basis for
25 the decision. A copy of the decision shall be provided
26 to the prisoner.

27 (Source: P.A. 90-590, eff. 1-1-99.)"